

Loose ties or strong bonds?
The effect of a Commissioner's nationality and partisanship
on voting in the Council of Ministers

KIRA KILLERMANN
University of Twente
k.killermann@utwente.nl

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Abstract

As it is commonly assumed that the European Commission acts as a unitary actor, we know little about how Commissioners' national and partisan ties affect the deliberations among member states in the Council. This article addresses this gap by linking the voting decisions governments take in the Council back to individual characteristics of the proposing Commissioner. Analysing 9025 voting decisions on 497 legislative proposals taken between 1998 and 2006, it is found that shared national and partisan ties ease inter-institutional decision-making with nationality taking precedence over partisanship. Overall, Commissioners appear to take the preferences of their home country and to a lesser extent also their political party into consideration when drafting legislative proposals, thereby decreasing the likelihood of contestations.

Introduction

European Commissioners are formally required to carry out their responsibilities independently of member states' influence and to promote the general interest of the European Union in doing so (Article 17, TFEU). Yet most Commissioners are party politicians with previous political careers in their home countries (see Döring, 2007; Wonka, 2007). As the European Union's legislative agenda-setter, the Commission initiates the legislative process by presenting a proposal. Each member state then votes on this proposal in the Council. Depending on the relevant procedure, the European Parliament (EP) is involved as an additional veto player. As it is commonly assumed that the Commission acts as a unitary actor, we know little about how Commissioners' national and partisan ties affect the deliberations among member states in the Council.

Anecdotal evidence suggests that Commissioners do not always act independent. In early 2008, the Commission proposed to decrease new cars' greenhouse gas emissions. Shortly afterwards, the German Commissioner for Enterprise and Industry, Günter Verheugen, argued against such targets – presumably to protect Germany's important car industry (Goldirova, 2008; Willis, 2010). Regarding partisan influence, it is noteworthy that with its focus on the Lisbon Strategy and sustainability the Commission's work programme for 2005 addresses some central issues of the Socialist 2004 EP-election campaign (cf. Commission, 2005; PES, 2004). However, there are also examples of Commissioners resisting national and partisan influence. For instance, the Dutch Commissioner Neelie Kroes is known for not taking orders from 'back home' (Willis, 2010).

Although it is the 'starting point' in most decision-making studies, little attention has been paid to possible motivations for Commissioners' behaviour. Also, when studying the role of national parties in providing linkages across European institutions, the focus has mostly been on voting unity between the Council and the EP (Hagemann and Høyland, 2010; Mühlböck, 2013). The assumption that the Commission is a unitary actor is not employed in this article. Instead, the Commission is conceptualised as a collective actor, thereby allowing a closer look at individual Commissioners and accordingly the central role of party

politicians in the Commission. This is empirically demanding as the Commission always seeks to 'speak with one voice'. Therefore, to identify such individual-level effects, member states' reactions in the Council to a proposal from a given Commission are analysed. This analysis focuses on the relation between Council and Commission, largely ignoring the EP for now.

To understand the added value of considering the proposing Commissioner in the study of member states' voting behaviour in the Council, the next section reviews the Council voting literature. Then, the principal-agent relation between the two institutions is discussed, before hypotheses on the impact of individual Commissioners' characteristics on Council voting are formulated. These hypotheses are then tested on a dataset containing information on 487 contested votes held between 1998 and 2006. Finally, conclusions on the impact of Commissioner characteristics on the EU's legislative process are drawn.

Council Voting on Commission Proposals

Decision-making in the Council has long been a 'black box' (e.g. Veen, 2011) as no voting records were publicised before 1993. Since then, the Council's minutes contain voting records of adopted legislation. The academic literature on Council voting has identified factors influencing member states' vote-choice and also coalition building between member states. At the member state level, country size (Hosli, 2008; Mattila and Lane, 2001), governmental and public support for European integration (Hosli, 2008; Mattila and Lane, 2001), holding the Council presidency (Hosli et al., 2011; Mattila, 2004), and being a new member state (Hosli et al., 2011) were found to influence vote choice. While larger member states are more likely to oppose the Council majority, all other variables decrease the likelihood of contestation.

Concerning within-Council coalition building, Hix (2005: 87) argues that coalitions are most likely to form between governments with similar policy goals and interests, a claim supported by findings of Elgström et al. (2001). Explicitly addressing the role parties play in the Council, Hagemann and Høyland (2008) find that governments are most likely to vote with ideologically close

governments. Accordingly, the authors conclude that the left-right dimension figures prominently for Council-internal coalition building. However, van Roozendaal et al. (2011) find that most winning coalitions are surplus majorities and not necessarily ideologically connected on the left-right policy scale. Overall, Council coalitions appear to be left-of-centre coalitions as Mattila (2004: 41) finds leftist governments less frequently in the minority than right-wing governments. Additionally, Hosli (2008) finds that as a government's distance from the median left-right position increases, so does its likelihood of being in the opposition.

Alternative explanations for within-Council coalition building have also been discussed. Elgström et al. (2001) as well as Mattila and Lane (2001) identify a durable north-south coalition pattern that they presume is a manifestation of cultural similarity, whereas Kaeding and Selck (2005) argue for a net-contributor versus net-receiver pattern. According to Bailer et al. (2010: 5), geography does not offer explanations, but it is objective interests that are reflected in Council votes. They argue that structural cleavages dividing rich and poor member states shape Council voting (Bailer et al., 2010: 15). Also van Aken (2013) has recently demonstrated that the north-south dimension is not universally applicable across policy fields.

With regard to inter-institutional coalition building, some scholars consider the role of political parties in linking Council- and EP-voting. Hagemann and Høyland (2010) show that also in this bicameral context disagreement in the Council to some extent follows the left-right dimension. Mühlböck (2013) finds that voting cohesion across institutions is mostly due to an overarching consensus and that the European Party Group has more influence on the voting behaviour of a Member of the EP than has the voting behaviour of that member's minister in the Council.

The discussed studies recognise that the EU's institutions are composed of party politicians and that parties may provide linkages across institutions. However, the Commission has been disregarded in this respect, even though it is also mainly composed of career party politicians. This article makes a first step

towards filling this gap by linking voting in the Council back to characteristics of the proposing Commissioner. To better understand the Council-Commission relation, the next section makes use of the principal-agent framework.

The Principal-Agent Relation between Council and Commission

Being interested in the relation between Commission and Council in the EU's legislative process, a closer look at the institutions' formal relations is needed. Each member state nominates its Commissioner, who needs the support of a qualified majority of the member states in the Council and a simple majority in the EP. The appointment process thus represents the initial delegation of authority from the member states as principals to the Commissioners as their agents (see for instance Pollack, 1997; Tallberg, 2002). Formally, the Commission as a body is thus the agent of the Council.

All delegation entails problems of adverse selection and moral hazard. Adverse selection refers to the problem of selecting a 'good' agent, while moral hazard refers to problems arising from asymmetric information and the resulting impossibility to perfectly monitor the agent (Hölmstrom, 1979). Governments try to alleviate both problems in Commissioner-nomination through pre-appointment screening, as described by Döring (2007) and Wonka (2007). Governments apparently take cues from past behaviour and nominate high-profile national politicians who are members of a governing party – increasingly so as the Commission's role as legislative agenda-setter was strengthened throughout the various Treaty reforms (see Crombez and Hix, 2011).

The principal-agent literature generally expects that the nomination stage of an agency is the most efficient ex ante control stage principals have at their disposal (e.g. Calvert et al., 1989; Epstein and O'Halloran, 1994; as summarised by Reenock and Poggione, 2004). By using their possibility of pre-appointment screening and nominating candidates with a public track record, the Council's behaviour conforms with this expectation. In scholarly accounts of EU policy-making, the Commission was long treated as a technocratic – or even apolitical – actor (e.g. Majone, 2001; Moravcsik, 2002: 613). Accordingly, intergovernmental

bargains were deemed decisive for European integration and Commissioners were relegated to the role of faithful implementers of governmental decisions. If this perception of the Commission as technocratic was valid, no moral hazard would arise and Commissioners would faithfully implement member states' preferences.

In contrast, I argue here that the principal-agent relationship persists after appointment, leaving the possibility of moral hazard. The central assumption is that if political factors are important during nomination, these factors will also play a role in how Commissioners fulfil their tasks once in office. This is in line with Wonka's statement that Commissioners should be understood as political rather than technocratic actors – at least since the adoption of the Single European Act in 1987 (Wonka, 2007: 185).

Still, Commissioners are depending on the other European institutions. While the Commission is the legislative agenda-setter, the Council and the EP are essential for policies to be adopted. The standard model of legislative politics suggests that the Commission acts strategically and is therefore sensitive to the preferences of the other European institutions (Crombez, 1997; Tsebelis and Garrett, 2000). By anticipating these preferences, legislative proposals are formulated such that they have a good chance of adoption (Leuffen and Hertz, 2010; Steunenberg, 1994). In the following section, hypotheses as to how the ties a Commissioner has with a given member states are expected to influence that state's voting behaviour are formulated.

The Influence of Commissioner Characteristics in the Legislative Process

Each Commissioner is the political head of a Directorate-General (DG), the administrative units into which the Commission is subdivided. In the legislative process, one DG is primarily responsible for each proposal and its Commissioner is politically responsible for that proposal. It is assumed that Commissioners do not have the capacities to closely monitor the actions of their colleagues (cf. Laver and Shepsle, 1996, 1999; Martin and Vanberg, 2005). Due to this lack of

oversight, the responsible Commissioner has Commission-internal agenda-setting power – he or she thus enjoys ‘ministerial discretion’ within his or her portfolio (cf. Hörl et al., 2005; Wonka, 2008: 68). I argue that the primarily responsible Commissioner strategically uses this power to influence the formulation of legislative proposals, given the preferences of the other actors. If the Commissioner indeed uses the remaining leeway to promote his or her preferences, we should expect member states sharing these preferences to vote in favour of that Commissioner’s proposals. In this article, two potential reasons for shared preferences between a Commissioner and a member state are discussed: shared nationality and shared partisanship.

Each member state nominates its Commissioner. Still – as discussed above – Commissioners are agents of all member states. However, it is the member states that are responsible for choosing their nominees without the interference of other actors. Even if a nominee is rejected during the process, no other actor is in a position to propose an alternative candidate. It is reasonable to assume that the ties between a Commissioner and his or her home country are stronger than the ties with the other member states. This would suggest that a legislative proposal from a Commissioner is, on average, more sensitive to the interests of his or her home country than to those of any other country. Accordingly, member states are expected hardly contest proposals coming from their ‘own’ Commissioner.

Hypothesis 1 (National Perspective): A member state is less likely to contest a legislative proposal if the proposing Commissioner comes from that member state.

Furthermore, shared partisan ties are expected to ease cooperation during the Commission’s term in office. It is generally expected that persons sharing partisan affiliations also have similar preferences. This could be due to either of two processes. First, a set of preferences could induce individuals to join a specific party which is accordingly composed of like-minded people. Second,

regardless of why a person joined a party, parties are deemed to be most effective when acting cohesively. Electorally, this makes for a recognizable 'brand name' (e.g. Cox and McCubbins, 1993); and in the legislative process, parties reduce the transaction costs involved in policy-making (Aldrich, 1995). While the party label is certainly valuable in the national context, its value at the European level is more diffuse (as discussed by Lindberg et al., 2008). Still, being a member of the same 'party family' as the nominating government is a big asset for Commissioner nominees as it signals shared preferences and thus promises ready cooperation.

After appointment, there is also a set of 'sticks' available at the European level that the party leadership can use to discipline their Commissioners. In this regard, career prospects are assumed to play an especially significant role. It is the government that decides on re-nomination and can also influence the Commissioner's chances of re-entering national politics, which has become increasingly important over time as a Commissioner-post is no longer necessarily a final career step (see Vaubel et al., 2012).

Hypothesis 2 (Partisan Perspective): A member state is less likely to contest a legislative proposal if it shares partisan ties with the proposing Commissioner.

The theoretical expectations concerning voting behaviour differ between Commissions. It is assumed that the withdrawal of the Santer Commission in 1999 was a watershed for the subsequent Commissions. The Santer Commission needed to resign due to allegations of fraud, nepotism and mismanagement. Through its resignation, it prevented a vote of no confidence in the EP. It has been argued that this was a demonstration of power by the EP which tightened the Commission's leash (Ringe, 2005).

After the resignation of the Santer Commission, the member states used their power to adapt the agency design. First, since 1999 new Commissioners are obliged to inform the EP about their policy goals and the scrutinizing process in the EP is reported to have become more intense than before (Kassim and Menon, 2004: 90). As a result, the principals gain additional information concerning their prospective agents. Second, as of 2004 the Nice Treaty changed the Commission's composition to one Commissioner per member state and Commissions can now be appointed by (QMV) majority voting instead of unanimity. Even though no formal vote was taken, Crombez and Hix (2011: 309) argue that the 'shadow of a vote' enables a consensual appointment of a Commission with ideal policies preferred by a qualified majority of the then-incumbent governments. In combination, these factors resulted in a Commission that was less centric than its predecessors.

Overall, Wonka (2007) shows that the proportion of Commissioners being a member of one of the governing parties markedly increased after the Santer Commission and that also (albeit to a lesser extent) more politically visible persons were appointed. It thus seems clear that the nomination process has been tightened after the negative experience governments had with the Santer Commission. Consequently, it can be expected that the extra care given to selecting good agents in the nomination process pays dividends during the legislative process. If so, the effect of partisan ties in reducing contestation should have been stronger for the Prodi and Barroso Commissions.

Hypothesis 3 (post-Santer): The effect of partisan ties in decreasing the likelihood of contestation is stronger for the post-Santer era.

To summarize, so far I have argued here that the primarily responsible Commissioner influences the formulation of legislative proposals. This discretion is, however, limited by the preferences of the other actors involved in the legislative process – with this article focusing on the Council. By anticipating

these preferences, Commissioners seek to formulate realistically ‘adoptable’ proposals. It is assumed that shared nationality and partisanship indicate shared preferences. Member states sharing such ties with the proposing Commissioner are thus expected to have a lower likelihood of casting a contesting vote in the Council than member states not sharing such ties. Additionally, it is expected that the effect of partisan ties is stronger in the post-Santer era.

Data: Council Voting from 1998 to 2006

The analysis focuses on how characteristics of the proposing Commissioner are related to voting behaviour in the Council of Ministers. The unit of analysis is thus the country-vote per proposal. To obtain information on voting in the Council, I use different datasets (Hayes-Renshaw et al., 2006; Hosli et al., 2011; Mattila and Lane, 2001) to cover the longest time period possible.

By using PreLex, the EU’s database tracing the process of inter-institutional decision-making, the Council voting records were linked back to the ‘responsible’ Commissioner. The dataset contains information on 497 contested votes, in 157 of which the new member states participated. It thus comprises voting information on about 30 per cent of the 1652 legislative acts the Council adopted between 1998 and 2006 (according to Hagemann and Clerck-Sachsse, 2007; Heisenberg, 2005).

My data is constrained in several ways. First, the Council only publishes voting information for proposals receiving sufficient support, therefore abstentions and ‘no’ votes under QMV are the only observable forms of contestation. This makes the overestimation of Council-internal consensus highly likely (see Mattila, 2004: 31). Second, the dataset of Hayes-Renshaw et al. (2006) is constrained to contested voting. Accordingly, I will also only focus on contested voting in my analysis, i.e. unanimous decisions with abstentions or votes under QMV with insufficient opposition. In doing so, I only analyse votes taken on legislative proposals. By excluding unanimous decisions from the analysis, dissent is overestimated. As this article aims to analyse the effect of characteristics of the

proposing Commissioner on a member state's likelihood of contestation, focusing on contested votes ensures that the more informative cases are included in the analysis. If there are indeed national and partisan dynamics at play, these should be visible in the cases included in this dataset.

The dependent variable is the choice a member state makes on a given proposal. Member states can choose to vote in favour or against a proposal, or they can abstain. Since the dataset only successful proposals, the three voting categories are collapsed into the dichotomous variable 'contestation'. This variable captures whether the voting member state contested the proposal by voting against it or by abstaining (1) or voted for it (0).

Figure 1 presents the frequency of contestation as a percentage of all votes cast per member state. On average, each of the included proposals was contested by two member states and overall 12 per cent of the votes cast were contesting votes – as denoted by the dashed line. There is considerable variance across member states, 20% of the German votes and 5% of the Cypriot votes being contesting.

Associating Commissioners with their proposals allows coding the independent variables of central interest. 'Country Match' is a dichotomous variable capturing whether the responsible Commissioner comes from the voting country (1) or not (0). To analyse the influence of partisanship, two dichotomous variables are constructed based on two conceptualizations of government-internal preference aggregation. The variables capture whether or not the national party of the Commissioner is a member of the same EP-party groups as (a) at least one of the parties in government in the voting country or (b) the party of the responsible minister¹.

The first conceptualization perceives the government as collegial actor. Hence, governments are assumed to decide by majority vote on a policy that is then

¹ There is a potential problem of observational equivalence between country and party match as it is hard to determine a 'national' interest without reference to the nation's government. However, as in most member states there were changes in government in the analysed period, national interests remained while partisan interests changed.

upheld by their ministers (cf. Andeweg, 1993). In the context of the Council, this conceptualization presupposes that on each topic all national governments have internally decided on a common position that the voting minister then upholds in the Council. The Council voting studies discussed above have defined member states' ideal points with reference to the parties in government. In doing so, most of the studies weighted the position by the number of cabinet seats held by each of the parties to obtain the aggregated government position. This makes for a tendency towards the middle, which possibly decreases the visibility of partisan ties in Council coalition formation.

That is why (in addition to the collegial conceptualization) I also use a second conceptualization that focuses on the responsible national minister. When applying the concept of 'ministerial discretion' not only to the Commission but also to national governments, it is plausible that the responsible minister has a greater influence on the policies in his or her portfolio (cf. Laver and Shepsle, 1996, 1999; Martin and Vanberg, 2005 as discussed above).

Generally, this definition of partisan ties is broader than that in most previous articles, where the focus was on the linkage provided by national parties (see Hagemann and Høyland, 2010; Mühlböck, 2013). While each Commissioner self-evidently can share national ties with only one member state, partisan ties can be shared with the governments of several member states – and it might even be the case that the government of the Commissioner's home country is not one of them.

In addition, the analysis includes some control variables. At the country-level these are 'Presidency', 'New Member State' and 'Ratio of Annual EU Contribution/Recipience'. Previous analyses of Council voting have consistently found that holding the Council Presidency at the time of voting significantly reduces a country's likelihood of voting against the proposal (e.g. Mattila, 2004). 'New Member State' controls for whether or not the country joined the EU in 2004, as Hosli et al. (2011 as discussed above) find new member states are less likely to contest proposals than old member states. Lastly, by including 'Ratio of

Annual EU Contribution/Recipience', a member state's budgetary status is controlled for (cf. Bailer et al., 2010; Kaeding and Selck, 2005).

Furthermore, the dichotomous variables 'Co-Decision' is included to control for whether the vote was taken under the co-decision procedure (1) or not (0). This captures the number of players involved in the legislative process, as the EP has most influence under that procedure. Based on the literature on bicameral decision-making discussed above, one can expect the member states to consider the anticipated EP-vote in their voting-decision. This variable is coded on the proposal-level.

In summary, the dataset is structured as follows. Variables are pertaining to different levels. The two variables of main interest in this analysis are coded on the vote-level. Here, it is coded whether the proposing Commissioner comes from the voting member state and whether the proposing Commissioner and the voting government/ responsible Commissioner share partisan ties. On the member state-level, it is coded whether the voting member state had the Council presidency at the time of voting, is one of the member states that joined after 2004 and what its budgetary status was. Lastly, on the proposal-level, it is coded whether the co-decision procedure has been used. Summary statistics of all these variables can be found in Table 1.

Analysis

In this section, the described dataset is analysed. As explained, votes are nested within both proposals and member states. This is why I estimate mixed effects models. In addition, the dependent variable is dichotomous, making logit models the models of choice to explain whether a member state contested a proposal or not.

Council voting 1998-2006

Table 2 provides an overview of the effects to be expected by cross-tabulating contestation with the key independent variables, that is 'country match' and one of the party match variables, respectively. Of the 9025 voting decisions, 1127 (that is 12.5 per cent) are either abstentions or no votes. Even if only looking at contested voting, the consensus among member states is still overwhelming.

When cross-tabulating contestation with the country match variable, one sees that proposals of a member state's 'own' Commissioner are contested less frequently than proposals made by Commissioners from other member states. If the proposing Commissioner comes from the voting country, the frequency of contestation drops from 12.7% to 9.7%, suggesting that the proposal is in the interest of the Commissioner's home country. This is in line with the expectation that shared nationality decreases contestation, as formulated in the first hypothesis.

In the next step, the dichotomous partisan variables are added. First, the effect of the variable using the broader operationalization – of whether the proposing Commissioner comes from the same party family as any one of the parties represented in government – is considered in Table 2a. When looking only at the effect of the partisan variable, the contestation rate hardly differs whether or not the party matches. When also taking the country match variable into consideration, the contestation rate is indeed slightly lower if the proposing Commissioner shares partisan ties with the voting government and if countries do not match (12.3% compared to 13% contestation). If the country is already matching, then a party match does not further increase cohesion. Instead, the contestation rate is lowest in cases where countries match, while parties do not (8.9 per cent).

Second, the effect of the narrower operationalization – of whether the proposing Commissioner comes from the same party family as the responsible national minister – is considered in Table 2b. Here, the difference the partisan variable makes is slightly larger than before. If parties match 11.5 per cent of the votes cast are contesting votes whereas it is 12.9 per cent if parties do not match.

Again, the partisan ties lower the contestation rate if countries do not match and the difference is bigger than for the governmental operationalization. Also if countries match, the trend is in the same direction and stronger than before. Only 6.4 per cent of the ministers who do not share partisan ties with their proposing Commissioners contested the proposal, while 10.9 per cent of those sharing partisan ties contested it. However, it seems that these contestations are the same as with the previous operationalization and that for only 39 of the non-contesting votes does the classification change due to the stricter operationalization, thereby increasing the percentage difference. There is thus no clear support for the second hypothesis that partisan ties decrease contestation.

Generally, shared national ties decrease the level of contestation, lending support to hypothesis one. Partisan ties have a minor effect on contestation and therefore hypothesis two is not supported. When combining both variables it seems that nationality takes precedence over partisanship as partisan ties add little if national ties are also present. However, if national ties are not shared, partisan ties decrease the contestation rate and even more so when using the 'stricter' operationalization. Whether these trends hold when controlling for the factors found to be important in previous studies of Council voting is now tested. As the dependent variable is dichotomous and the variables pertain to characteristics of the voting member state as well as the proposal voted on, cross-classified logit regression models are estimated (see Tables 3a and 3b)².

Also in these models, shared national and partisan ties are estimated to decrease the likelihood of contestation. The effect of a matching nationality is significant at the 0.1 level in models 1 and 2. Based on model 2, the first difference in expected values is -2.8 [-5.2, -0.2] per cent when changing the 'Country Match' variable from 0 to 1 while holding the remaining variables at their mean values³. That is, national ties between the proposing Commissioner and the voting member state reduce the likelihood of contestation – albeit by only a small margin. Still, given

² All models are estimated using Zelig's 'logit.mixed' model, which uses the Laplace approximation to fit the models (Bailey and Alimadhi, 2007).

³ The 95% -confidence interval of the estimate is presented in squared brackets.

the low overall possibility of contestation, this effect is non-negligible. Generally, the models support Hypothesis 1 that fewer contestations should be observable when a member state is voting on a proposal tables by its 'own' Commissioner.

The coefficients of the 'party match government' variable are consistently statistically insignificant. In model 9, the partisan ties with the responsible minister significantly decrease the likelihood of contestation. However, this effect does not hold when adding the 'country match' variable (model 10). There is thus no support for the second hypothesis.

Turning to the control variables at the member state level, holding the presidency at the time of voting reduces the likelihood of contestation by about four percentage points, which is in line with previous findings. Being one of the member states that joined the Union in 2004 or one of the big member states has no significant effect on the state's likelihood of contestation.

Concerning the effects of the proposal level variables, for decisions taken under the co-decision procedure contesting votes are less likely than for decisions taken under one of the other procedures. Generally, the included proposal-level variables predict contestation so well that there is no variance left at this level.

Council voting on post-Santer proposals

Having found support for the first but none for the second hypothesis in the full dataset, I re-ran the analyses on votes on proposals tables by members of the Prodi and first Barroso Commissions. As described above, the selection process for new Commissions has been tightened after the resignation of the Santer Commission, which is expected to have strengthened the effect that Commissioner characteristics bring to the legislative process. The 2040 votes on proposals during the Santer Commission plus 45 votes on three earlier proposals are thus excluded now, leaving 6940 votes in the analysis.

Again, the analysis start with a cross-tabulation, the results of which are presented in Table 4. Also in this subset Hypothesis 1 is supported. If the

proposing Commissioner comes from the voting member state, the frequency of contestation drops from 13.1 to 9.5 per cent. Corresponding to the trend in the full dataset, if the Commissioner does not come from the voting member state, partisan ties decrease the frequency of contestation (regardless of the operationalization). However, if the proposing Commissioner comes from the voting member state, members of the Commissioner's party more frequently contest that Commissioner's proposals than members of other parties.

The results of the logit models for the subset can be found in Tables 5a and 5b. Again, national ties decrease the likelihood of contestation. In this subset, the relation between the country match and the partisan variables is more nuanced. The effect of the governmental variable is lower as soon as the country is also controlled for, whereas when using the ministerial operationalization, the effect of the partisan variable remains significant in all models. If the responsible minister comes from the same party family as the proposing Commissioner, the likelihood of contestation decreases by 2.2 [0.6, 3.7] per cent based on model 10b. In this subset, partisan ties indeed decrease the likelihood of contestation, lending support to the second – and therefore also the third – hypotheses. It thus seems that the member states were successful in tightening their control over their agents.

At a more general level, member states appear to be quite successful in choosing Commissioners who stay loyal to their home countries after their appointment. It appears that the selection process largely induces the agents to perform according to their principals' expectations. Furthermore, whether or not deliberately designed to tighten the Commission's leash, the changes made to the nomination rules after the resignation of the Santer Commission seem to have strengthened the member states' control. In the post-Santer era there was an especially strong bond between Commissioners and national ministers coming from the same party family.

Overall, shared ties between the proposing Commissioner and the voting member state have the tendency to further reduce the likelihood of contestation. Accordingly, the allocation of Commissioner portfolios has implications for the

policy-making process. Member states are thus expected to not only care about which portfolio their 'own' Commissioner gets but also for the partisan affiliation of the Commissioners in charge of other portfolios important to them. These partisan control mechanisms can be expected to become more prominent as the number of Commissioners eventually drops below the number of member states, as mandated by the Treaty of Nice.

Conclusions

This article analysed in how far individual characteristics affect the interaction of European Commissioners with the member states. More precisely, it has been argued that national and partisan ties between the proposing Commissioner and the voting member state should limit contestation – and especially so after the resignation of the Santer Commission in 1999. It was found that member states were indeed unlikely to contest proposals tabled by their 'own' Commissioner. However, the effect of shared partisanship was found to be more complex. While no effect has been found when analysing the full period 1998-2006, the likelihood of contestation significantly decreased during the post Santer era if the responsible national minister was from the same party family as the proposing Commissioner. Overall, shared national and partisan ties are found to ease inter-institutional decision-making with nationality taking precedence over partisanship.

That is, European Commissioners seem to use the discretion that the EU's legislative system grants them to promote their own interests. In doing so, Commissioners appear to take the preferences of their home country and also – but to a lesser extent – their party family into consideration when drafting legislative proposals, thereby decreasing the likelihood of contestation. Accordingly, individual Commissioners matter and taking their preferences into consideration adds to our understanding of the legislative process.

A logical next step to build on this paper's findings is to formally add the EP to both the theoretical argument and the empirical analysis. Furthermore, previous research on Council voting already suggested that voting patterns are not

necessarily stable across policy fields (e.g. Bailer et al., 2010; van Aken, 2013) so that a more detailed policy-specific analysis seems in order.

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Variable	Operationalization	Source	Min	Mean	Max
<i>Dependent Variable</i>					
Contestation	<i>Whether the voting member state voted against the proposal/ abstained from voting (1) or not (0)</i>	Mattila and Lane (2001); Hayes-Renshaw et al. (2006); Hosli et al. (2011)	0 [0]	0.12 [0.13]	1 [1]
<i>Independent Variables</i>					
<u>Vote Level</u>					
Country Match	<i>Whether the proposing Commissioner comes from the voting member state or not (1) or not (0)</i>	Proposing Commissioner identified via PreLex (i.e. the 'responsible' Commissioner in the 'adoption by commission' stage); Biographical information on the Commissioners from Wonka; Information on government composition obtained from various issues of the EJPR Political Data Yearbook	0 [0]	0.06 [0.05]	1 [1]
Party Match	<i>Whether the party of the proposing Commissioner and at least one of the parties in government in the voting member state belong to the same European Party Group (1) or not (0)</i>		0 [0]	0.46 [0.47]	1 [1]
Party Match Minister	<i>Whether the party of the proposing Commissioner and the party of the responsible minister in the voting member state belong to the same European Party Group (1) or not (0)</i>		0 [0]	0.28 [0.28]	1 [1]
<u>Member State Level</u>					
Presidency	<i>Whether the member state held the Council presidency at the time of voting (1) or not (0)</i>	Various issues of the EU's Financial Reports	0 [0]	0.06 [0.05]	1 [1]
New Member State	<i>Whether the member states joined the EU in 2004 (1) or not (0)</i>		0 [0]	0.17 [0.23]	1 [1]
Operating Budgetary Balance	<i>A member state's operating budgetary balance in the year of voting in billion euros</i>		-9.48 [-9.48]	-0.06 [-0.01]	8.86 [8,86]
<u>Proposal Level</u>					
Co-Decision	<i>Whether the proposal is passed under the co-decision procedure (1) or not (0)</i>	PreLex	0 [0]	0.44 [0.43]	1 [1]

TABLE 1 – Summary Statistics: Council Voting 1998-2006 (N=9025)

Note: Numbers in squared brackets give the value for the votes on the proposals of the Prodi and Barroso Commissions

(a)		Country Match						
		No			Yes			
		Party Match Government			Party Match Government			
		No	Yes	Total	No	Yes	Total	Total
Contestation	No	4148 (87.0%)	3301 (87.7%)	7449 (87.3%)	92 (91.1%)	357 (90.2%)	449 (90.3%)	7898 (87.5%)
	Yes	618 (13.0%)	461 (12.3%)	1079 (12.7%)	9 (8.9%)	39 (9.8%)	48 (9.7%)	1127 (12.5%)
Total		4766 (100%)	3762 (100%)	8528 (100%)	101 (100%)	396 (100%)	497 (100%)	9025 (100%)

(b)		Country Match						
		No			Yes			
		Party Match Minister			Party Match Minister			
		No	Yes	Total	No	Yes	Total	Total
Contestation	No	5561 (87.0%)	1888 (88.4%)	7449 (87.3%)	131 (93.6%)	318 (89.1%)	449 (90.3%)	7898 (87.5%)
	Yes	832 (13.0%)	247 (11.6%)	1079 (12.7%)	9 (6.4%)	39 (10.9%)	48 (9.7%)	1127 (12.5%)
Total		6393 (100%)	2135 (100%)	8528 (100%)	140 (100%)	357 (100%)	497 (100%)	9025 (100%)

TABLE 2 – Contestation by Commissioner Characteristics (1998-2006)

Source: Own calculations based on data from Mattila and Lane 2001, Hayes-Renshaw et al. 2006, Hosli et al. 2011.

	Empty Model		Country Match				Party Match							
	(0)		(1)		(2)		(3)		(4)		(5)		(6)	
					+ Control Variables				+ Country Match		+ Control Variables		Full Model	
<i>Vote Level</i>														
Country Match			-0.340	(0.160) *	-0.342	(0.160) *			-0.310	(0.162)			-0.309	(0.163)
Party Match							-0.097	(0.068)	-0.072	(0.069)	-0.104	(0.068)	-0.078	(0.069)
<i>Member State Level</i>														
Presidency					-0.612	(0.174) ***					-0.614	(0.174) ***	-0.612	(0.174) ***
New Member State					-0.327	(0.198)					-0.316	(0.198)	-0.329	(0.198)
Operating Budgetary Balance					-0.024	(0.028)					-0.024	(0.028)	-0.024	(0.028)
<i>Proposal Level</i>														
Co-Decision					-0.217	(0.075) **					-0.220	(0.075) **	-0.219	(0.075) **
Constant (Fixed Effects)	-2.135	(0.101) ***	-2.122	(0.102) ***	-1.888	(0.121) ***	-2.093	(0.105) ***	-2.091	(0.106) ***	-1.859	(0.124) ***	-1.854	(0.124) ***
Variance (Proposals)	0.157	(0.396)	0.157	(0.397)	0.146	(0.382)	0.158	(0.397)	0.158	(0.397)	0.146	(0.382)	0.146	(0.382)
Variance (Member States)	0.207	(0.455)	0.208	(0.457)	0.176	(0.420)	0.207	(0.455)	0.209	(0.457)	0.176	(0.419)	0.176	(0.419)
AIC	6645		6642		6625		6645		6643		6628		6626	
Log Likelihood	-3320		-3317		-3304		-3318		-3317		-3306		-3304	

TABLE 3a - Mixed Effects Logit Models (Random Intercepts) of Council Voting on Contested Proposals voted upon between 1998 and 2006

Results for 9025 votes taken on 497 proposals by 25 member states

Sources: Own analysis based on data from Mattila and Lane 2001, Hayes-Renshaw *et al.* 2006, Hosli *et al.* 2011.

Notes: *** p < 0.01; ** p < 0.05; * p < 0.1, standard errors (standard deviations for variances) are given in parentheses

	Party Match Minister							
	(7)		(8)		(9)		(10)	
			+ Country Match		+ Control Variables		Full Model	
<i>Vote Level</i>								
Country Match			-0.290	(0.164)			-0.285	(0.165)
Party Match Minister	-0.137	(0.076)	-0.103	(0.078)	-0.151	(0.076) *	-0.117	(0.079)
<i>Member State Level</i>								
Presidency					-0.614	(0.174) ***	-0.613	(0.174) ***
New Member State					-0.329	(0.198)	-0.338	(0.198)
Operating Budgetary Balance					-0.023	(0.028)	-0.023	(0.028)
<i>Proposal Level</i>								
Co-Decision					-0.224	(0.075) **	-0.222	(0.075) **
Constant (Fixed Effects)	-2.102	(0.103) ***	-2.099	(0.103) ***	-1.861	(0.123) ***	-1.856	(0.122) ***
Variance (Proposals)	0.157	(0.396)	0.158	(0.397)	0.145	(0.381)	0.139	(0.372)
Variance (Member States)	0.208	(0.456)	0.209	(0.457)	0.176	(0.420)	0.192	(0.438)
AIC		6644		6642		6626		6625
Log Likelihood		-3318		-3316		-3305		-3303

TABLE 3b - Mixed Effects Logit Models (Random Intercepts) of Council Voting on Contested Proposals voted upon between 1998 and 2006

Results for 9025 votes taken on 497 proposals by 25 member states

Sources: Own analysis based on data from Mattila and Lane 2001, Hayes-Renshaw *et al.* 2006, Hosli *et al.* 2011.

Notes: *** p < 0.01; ** p < 0.05; * p < 0.1, standard errors (standard deviations for variances) are given in parentheses

(a)		Country Match						
		No			Yes			
		Party Match Government			Party Match Government			
		No	Yes	Total	No	Yes	Total	Total
Contestation	No	3129 (86.2%)	2594 (87.8%)	5723 (86.9%)	43 (93.5%)	281 (90.1%)	324 (90.5%)	6047 (87.1%)
	Yes	499 (13.8%)	369 (12.2%)	859 (13.1%)	3 (6.5%)	31 (9.9%)	34 (9.5%)	893 (12.9%)
Total		3628 (100%)	2954 (100%)	6582 (100%)	46 (100%)	312 (100%)	358 (100%)	6940 (100%)

(b)		Country Match						
		No			Yes			
		Party Match Minister			Party Match Minister			
		No	Yes	Total	No	Yes	Total	Total
Contestation	No	4229 (86.3%)	1494 (88.9%)	5723 (86.9%)	79 (96.3%)	245 (88.8%)	324 (90.5%)	6047 (87.1%)
	Yes	672 (13.7%)	187 (11.1%)	859 (13.1%)	3 (3.7%)	31 (11.2%)	34 (9.5%)	893 (12.9%)
Total		4901 (100%)	1681 (100%)	6582 (100%)	82 (100%)	276 (100%)	358 (100%)	6940 (100%)

TABLE 4 – Contestation by Commissioner Characteristics (post-Santer)

Source: Own calculations based on data from Mattila and Lane 2001, Hayes-Renshaw et al. 2006, Hosli et al. 2011.

	Empty Model		Country Match				Party Match							
	(0b)		(1b)		(2b)		(3b)		(4b)		(5b)		(6b)	
					+ Control Variables				+ Country Match		+ Control Variables		Full Model	
<i>Vote Level</i>														
Country Match			-0.474	(0.192) *	-0.468	(0.192) *			-0.397	(0.196) *			-0.386	(0.196) *
Party Match							-0.187	(0.077) *	-0.149	(0.079)	-0.194	(0.077) *	-0.157	(0.079) *
<i>Member State Level</i>														
Presidency					-0.536	(0.200) **					-0.548	(0.200) **	-0.538	(0.200) **
New Member State					-0.379	(0.211)					-0.367	(0.210)	-0.382	(0.211)
Operating Budgetary Balance					-0.031	(0.033)					-0.034	(0.032)	-0.032	(0.033)
<i>Proposal Level</i>														
Co-Decision					-0.313	(0.090) ***					-0.316	(0.090) ***	-0.316	(0.090) ***
Constant (Fixed Effects)	-2.131	(0.109) ***	-2.114	(0.110) ***	-1.819	(0.133) ***	-2.049	(0.115) ***	-2.051	(0.115) ***	-1.753	(0.136) ***	-1.750	(0.137) ***
Variance (Proposals)	0.225	(0.474)	0.227	(0.476)	0.202	(0.449)	0.228	(0.478)	0.229	(0.479)	0.203	(0.451)	0.204	(0.452)
Variance (Member States)	0.237	(0.487)	0.242	(0.492)	0.204	(0.452)	0.239	(0.489)	0.242	(0.492)	0.201	(0.449)	0.203	(0.450)
AIC	5176		5172		5155		5172		5170		5156		5154	
Log Likelihood	-2585		-2582		-2570		-2582		-2580		-2570		-2568	

TABLE 5a - Mixed Effects Logit Models (Random Intercepts) of Council Voting on Contested Proposals made by members of the Prodi and Barroso Commissions

Results for 6940 votes taken on 358 proposals by 25 member states

Sources: Own analysis based on data from Mattila and Lane 2001, Hayes-Renshaw *et al.* 2006, Hosli *et al.* 2011.

Notes: *** p < 0.01; ** p < 0.05; * p < 0.1, standard errors (standard deviations for variances) are given in parentheses

	Party Match Minister							
	(7b)		(8b)		(9b)		(10b)	
			+ Country Match		+ Control Variables		Full Model	
<i>Vote Level</i>								
Country Match			-0.351	(0.198)			-0.336	(0.198)
Party Match Minister	-0.268	(0.088) **	-0.223	(0.091) *	-0.279	(0.088) **	-0.235	(0.091) **
<i>Member State Level</i>								
Presidency					-0.543	(0.200) **	-0.535	(0.200) **
New Member State					-0.392	(0.211)	-0.402	(0.212)
Operating Budgetary Balance					-0.031	(0.033)	-0.030	(0.033)
<i>Proposal Level</i>								
Co-Decision					-0.321	(0.090) ***	-0.320	(0.090) ***
Constant (Fixed Effects)	-2.067	(0.112) ***	-2.064	(0.113) ***	-1.759	(0.135) ***	-1.755	(0.135) ***
Variance (Proposals)	0.227	(0.477)	0.228	(0.478)	0.201	(0.449)	0.202	(0.450)
Variance (Member States)	0.242	(0.491)	0.244	(0.494)	0.203	(0.451)	0.204	(0.452)
AIC		5169		5168		5152		5151
Log Likelihood		-2580		-2579		-2568		-2567

TABLE 5b - Mixed Effects Logit Models (Random Intercepts) of Council Voting on Contested Proposals made by members of the Prodi and Barroso Commissions

Results for 6940 votes taken on 358 proposals by 25 member states

Sources: Own analysis based on data from Mattila and Lane 2001, Hayes-Renshaw *et al.* 2006, Hosli *et al.* 2011.

Notes: *** p < 0.01; ** p < 0.05; * p < 0.1, standard errors (standard deviations for variances) are given in parentheses